

### **REMARKS**

At the time the current Official Action was mailed, claims 41-47, 49-58, 60 and 61 were pending. The Examiner rejected claims 41, 42, 44, 46, 49-51, 53, 55, and 60, and the Examiner objected to the remaining claims. By this Amendment, Applicant has amended claim 49 and submitted a properly executed terminal disclaimer. Reconsideration of the application in view of the remarks set forth below is respectfully requested.

### **Objections to the Claims**

The Examiner objected to claim 49 due to improper dependency. Claim 49 has been amended to depend upon claim 41, thus the objection is believed to be overcome.

### **Rejections under Obviousness-type Double Patenting**

The Examiner rejected the claims listed above under the doctrine of obviousness-type double patenting as being obvious in view of certain claims of U.S. Pat. No. 6,701,170.

Although Applicant does not necessarily agree with the Examiner's position, Applicant recognizes that filing a Terminal Disclaimer to obviate this rejection will facilitate the prompt issuance of a patent without any real loss of patent term or other rights for the assignee.

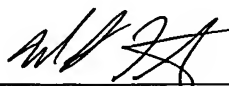
Specifically, it is noted that the present application claims priority to the '170 patent, so the term of any patent issuing from the present application will expire on the same day as the '170 patent regardless of whether a Terminal Disclaimer is filed. Further, although the Terminal disclaimer also requires that the assignee maintain common ownership of these patents, the assignee has no intention of dividing ownership in any event. Accordingly, Applicant files herewith a properly

executed Terminal Disclaimer to obviate the Examiner's rejection. It should be noted that the undersigned has executed the Terminal Disclaimer as the assignee's attorney of record in view of the Revocation and Power of Attorney filed on July 5, 2005, a copy of which is attached for the Examiner's convenience.

**In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicants authorize the Commissioner to charge the appropriate fee of \$450.00 for the two-month extension of time, and any additional fees which may be required, to the credit card listed on the attached PTO-2038. However, if the PTO-2038 is missing, if the amount listed thereon is insufficient, or if the amount is unable to be charged to the credit card for any other reason, the Commissioner is authorized to charge Deposit Account No. 06-1315; Order No. TYHC:0103/FLE.**

Respectfully submitted,

Date: September 6, 2005

  
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